

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20381 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- ISHUPUR BARAHAT District-
Bhagalpur

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1. Prakash Singh @ Om Prakash Singh @ Om Prakash S/o Nirmal Singh @ Nirmal Kumar Singh R/o vill - Satho, P.S. - Ishipur (Barahat), Distt. - Bhagalpur
 2. Nirmal Singh @ Nirmal Kumar Singh S/o Late Shobh Nath Singh R/o vill - Satho, P.S. - Ishipur (Barahat), Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, a.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Ishipur (Barahat) P.S. Case No. 103 of 2023 for the offences under sections 498(A), 304 B and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act lodged on 30.07.2023 by the informant, Dara Singh.

3. As per the prosecution story, the informant alleged that his daughter Rakhi Singh was married to Mithun Singh in the month of March, 2023, but four months later on 29.07.2023, he got a telephonic information that she died by suicide. The family reached the place and lodged the FIR.

4. Learned counsel for the petitioners submits that

they are father-in-law and brother-in-law living separately and they have nothing to do with the problem. The lady died by suicide and the last submission is that the husband is in custody (as stated in para-12 of the petition).

5. Learned APP opposes the prayer stating that within four months of the marriage, the girl committed suicide.

6. Considering that fact that the husband having married the lady was duty bound to take care of her, she has committed suicide and he is in custody. These two petitioners are father-in-law and brother-in-law and they have no criminal antecedent. This Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No. 103 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their

bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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